

Remarks:

Claims 21-22 and 24-31 remain for consideration in this application, with claims 21-22, and 24-26 being in independent format. Claim 21 is currently amended and claim 23 is canceled. Claims 1-20 were previously cancelled. Finally, claims 27-31 are newly added. Applicants assert that the amendments together with the remarks hereunder overcome the rejections presented in the Office Action of November 19, 2007.

Claim 21 was objected to for a typographical error in the claim. Applicants have amended claim 21 to correct said typographical error and the claim now reads “SEQ ID# 18 at its 5' end.” Accordingly, Applicants assert that this objection has been overcome.

Claims 21-26 were rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. Specifically, it was alleged that the specification did not support claims drawn to any PRRS virus with SEQ ID NO: 18 at its 5' end. Applicants respectfully assert that the claims of the present invention are applicable to any PRRS virus containing SEQ ID NO: 18 at its 5' end. As noted in the specification, “a prerequisite for the construction of infectious clones is the identification of the sequences at the termini of the respective viral genome that are probably crucial for replication of viral RNA.” (Page 23, lines 1-3). Furthermore, previously published PRRS sequences did not contain this 5' end, although this is now thought to be the utmost 5' end of the PRRS virus. Thus, knowledge of the 5' end provided in the present application will actually aid others attempting to make infectious PRRS clones. Those of skill in the art would thereby be able to achieve the isolated nucleic acid, transfected cell, and recombinant virus disclosed for any PRRS strain containing the 10 nucleotides, comprising SEQ ID NO: 18 at its 5' end, using the teachings of the present invention. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 25 was rejected under 102(a) for being anticipated by Wensvoort. It was alleged that Wensvoort taught an infectious PRRS virus and that this is the same PRRS virus used by Applicants. Applicants note that claim 25 claims an isolated infectious RNA molecule that contains SEQ ID No. 18 at its 5' end. Such an isolated infectious RNA molecule was not disclosed or even suggested in Wensvoort. In support of this argument, Applicants assert that the infectious RNA molecule of the present invention was the first such isolated molecule to contain SEQ ID No. 18 at its 5' end.

Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 21-26 were rejected under 35 U.S.C. 103(a) for being unpatentable over Wensvoort in view of Moormann. It was alleged that Wensvoort disclosed an infectious PRRS virus and Moormann described making infectious and recombinant clones of plus strand RNA viruses used to make virus. It was admitted that Wensvoort does not teach making infectious clones. Applicants respectfully assert that Moormann's teachings of how to make infectious clones of plus strand RNA virus to make virus would not have resulted in the claimed invention. This is because the methods disclosed in the prior art, including Moorman, would not and did not include the sequence of SEQ ID No. 18 at its 5' end. Thus, infectious clones made by such methods would not have the ability to be expressed in a host cell that is not capable of being infected by a wild-type PRRS virus. In other words, the claimed product is different because a novel expression method had to be developed to obtain the product. This characteristic is the subject of new claims 27-31.

Additionally, as admitted, Wensvoort does not teach or suggest making infectious clones nor is there a suggestion or teaching in Moormann which would motivate one of skill in the art to combine the teachings of the references. Further, in the event the teachings of the references were combined, one would not be able to utilize the methods of the claimed subject matter without the benefit of the present invention. Accordingly, Applicants assert that this rejection has been overcome.

In view of the foregoing, the claims as they stand appear to be allowable over the prior art, and thus, a Notice of Allowance appears to be in order and is courteously solicited. Any additional fee which is due in connection with this Amendment should be applied against our Deposit Account No. 50-1662.

Respectfully submitted,

By /Tracey Truitt/

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